

PD-0517-16
In the Court of Criminal Appeals

FILED
COURT OF CRIMINAL APPEALS
3/13/2017
ABEL ACOSTA, CLERK

Leax v. State

Letter Correcting Misstatement at Oral Argument

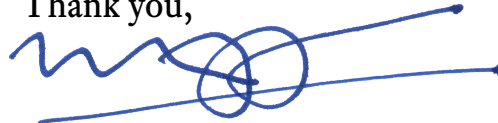
To the Court of Criminal Appeals:

Mr. Leax files this letter to correct an embarrassing error counsel made in oral argument.

The original indictment in this case accused Mr. Leax of believing the complainant to be a minor. The amended indictment, however — to which Mr. Leax pleaded guilty — defined “J. Nichols, a minor” as “an individual who represents himself to be 11 years of age. Clerk’s Record in Court of Appeals Cause Number 09-14-00452-CR, at 110; Clerk’s Record in Court of Appeals Cause Number 09-14-00453-CR, at 105.

Therefore both the overbreadth created by subsection (a), the overbreadth created by subsection (d), and the age play described in the age-play affidavit are all at issue in this case (assuming that the “standing” issue is resolved in Mr. Leax’s favor).

Thank you,

A handwritten signature in blue ink, consisting of a wavy line followed by a large circular flourish and a long horizontal stroke.

Mark Bennett

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Bennett & Bennett

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Houston, Texas 77002

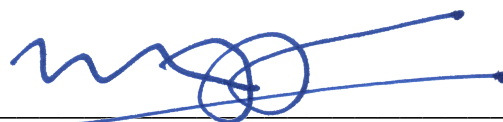
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Certificate of Service and Compliance

A copy of this letter was served upon the State of Texas by electronic filing and on February 16, 2017 by email to attorneys for the State Stacey Soule, P.O. Box 13046, Austin, Texas 78711-3046, at stacey.soule@spa.texas.gov and Jason Larman, 207 W. Phillips, Second Floor, Conroe, Texas 77301, at jason.larman@mctx.org.

This letter uses Matthew Butterick's Equity typeface in 14-point. Margins are 1.5 inches, on principles suggested by Butterick's *Typography for Lawyers*. According to Microsoft Word's word count, this letter comprises 122 words.

A handwritten signature in blue ink, consisting of a wavy line followed by a large circular flourish and a long horizontal stroke.

Mark W. Bennett